

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 136.3(9), the Department of Public Health hereby amends Chapter 154, “Medical Cannabidiol Act Registration Card Program,” Iowa Administrative Code.

On May 12, 2017, then Governor Branstad signed 2017 Iowa Acts, House File 524, which repealed existing Iowa Code chapter 124D and enacted new Iowa Code chapter 124E, the Medical Cannabidiol Act. The legislation was effective upon enactment. House File 524 expanded the state’s existing Medical Cannabidiol Act in a number of ways, including expanding the list of conditions for which a patient is eligible to receive a medical cannabidiol patient or primary caregiver registration card, establishing a Medical Cannabidiol Board, providing for licensure of medical cannabidiol manufacturers and dispensaries, establishing a fee structure for registration cards and licensure applications, and adding a new requirement for a real-time, 24/7 statewide medical cannabidiol registry management sale tracking system.

With the repeal of Iowa Code chapter 124D, there is currently no process in place through which the Department can approve medical cannabidiol registration card applications. The purpose of these amendments is to update the Department’s existing administrative rules adopted under the prior Medical Cannabidiol Act to reflect the amendments made to the patient and primary caregiver registration card issuance process. Additional rules will be needed to fully implement House File 524, and those rules will be brought forward at a later date.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are impracticable and contrary to the public interest because 2017 Iowa Acts, House File 524, was effective upon enactment and repealed Iowa Code chapter 124D, which was the legal authority for the Department’s issuance of patient and primary caregiver registration cards. Following the repeal of Iowa Code chapter 124D on May 12, 2017, the Department has been unable to approve applications for patient and primary caregiver registration cards for any patient, including those with intractable epilepsy. These amendments are focused on the patient and primary caregiver card application and renewal processes only. Additional rules will be required for the manufacturing and dispensing components of 2017 Iowa Acts, House File 524; however, those additional rules require input from the newly created Medical Cannabidiol Board, which has yet to be appointed. Proposed rules for the manufacturing and dispensing components of House File 524 will come at a later date.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its June 13, 2017, meeting reviewed the Department’s determination and this rule making and approved emergency adoption.

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Department also finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective June 13, 2017, because the rules confer a benefit to members of the public seeking to obtain a patient or primary caregiver registration card as allowed by 2017 Iowa Acts, House File 524 [new Iowa Code chapter 124E]. The benefit is that the Department will again be in a position to process medical cannabidiol registration cards for patients and primary caregivers. The application approval process is currently suspended until the existing rules are amended.

These amendments are also published herein under Notice of Intended Action as **ARC 3151C** to allow for public comment.

The Department anticipates implementation of 2017 Iowa Acts, House File 524, will cause the expenditure of state funds in excess of \$100,000 per year. Anticipated costs include personnel to oversee the startup and administration of the program, technology solutions that will be necessary to adequately track registration card applicants, and postage and supplies needed to communicate with card applicants.

Waiver provisions for these rules are located at 641—Chapter 178.

The State Board of Health adopted these amendments on June 8, 2017, subject to the approval of the Administrative Rules Review Committee on June 13, 2017.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement 2017 Iowa Acts, House File 524.

These amendments became effective June 13, 2017.

The following amendments are adopted.

ITEM 1. Amend rule 641—154.1(85GA,SF2360) as follows:

641—154.1(85GA,SF2360 87GA,HF524) Definitions. For the purposes of these rules, the following definitions shall apply:

“Bordering state” means the same as defined in Iowa Code section 331.910.

“Cannabidiol” means a nonpsychoactive cannabinoid found in the plant *Cannabis sativa* L. or *Cannabis indica* or any other preparation thereof that is essentially free from plant material, and has a tetrahydrocannabinol level of no more than 3 percent.

“Date of expiration” means one year from the date of issuance of the medical cannabidiol registration card by the department of transportation.

“Date of issuance” means the date of issuance of the medical cannabidiol registration card by the department of transportation.

“Debilitating medical condition” means any of the following:

1. Cancer, if the underlying condition or treatment produces one or more of the following:

- Severe or chronic pain.
- Nausea or severe vomiting.
- Cachexia or severe wasting.

2. Multiple sclerosis with severe and persistent muscle spasms.

3. Seizures, including those characteristic of epilepsy.

4. AIDS or HIV as defined in Iowa Code section 141A.1.

5. Crohn’s disease.

6. Amyotrophic lateral sclerosis.

7. Any terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:

- Severe or chronic pain.
- Nausea or severe vomiting.
- Cachexia or severe wasting.

8. Parkinson’s disease.

9. Untreatable pain.

“Department” means the Iowa department of public health.

“Department of transportation” means the Iowa department of transportation.

“Disqualifying felony offense” means a violation under federal or state law of a felony under federal or state law, which has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. §802(6).

“Health care practitioner” means an individual licensed under Iowa Code chapter 148 to practice medicine and surgery or osteopathic medicine and surgery who is a patient’s primary care provider.

“Health care practitioner” shall not include a physician assistant licensed under Iowa Code chapter 148C or an advanced registered nurse practitioner licensed pursuant to Iowa Code chapter 152 or 152E.

“Intractable epilepsy” means an epileptic seizure disorder for which standard medical treatment does not prevent or significantly ameliorate recurring, uncontrolled seizures or for which standard medical treatment results in harmful side effects.

“Medical assistance program” means IA Health Link, Medicaid Fee-for-Service, or HAWK-I, as administered by the Iowa Medicaid enterprise of the Iowa department of human services.

“Medical cannabidiol” means any pharmaceutical grade cannabinoid found in the plant *Cannabis sativa* L. or *Cannabis indica* or any other preparation thereof that has a tetrahydrocannabinol level of

no more than 3 percent and that is delivered in a form recommended by the medical cannabidiol board, approved by the board of medicine, and designated in this chapter.

~~“Neurologist” means an allopathic or osteopathic physician board-certified in neurology in good standing and licensed under Iowa Code chapter 148.~~

~~“Patient” means a person who is a permanent resident of the state of Iowa who suffers from intractable epilepsy and has received a recommendation from a neurologist a debilitating medical condition that qualifies for the medical use of medical cannabidiol pursuant to 2014 Iowa Acts, Senate File 2360 2017 Iowa Acts, House File 524.~~

~~“Permanent resident” means a natural person who physically resides in Iowa as the person’s principal and primary residence and who establishes evidence of such residency by providing the department with one of the following:~~

- ~~1. A valid Iowa driver’s license,~~
- ~~2. A valid Iowa nonoperator’s identification card,~~
- ~~3. A valid Iowa voter registration card,~~
- ~~4. A current Iowa vehicle registration certificate,~~
- ~~5. A utility bill,~~
- ~~6. A statement from a financial institution,~~
- ~~7. A residential lease agreement,~~
- ~~8. A check or pay stub from an employer,~~
- ~~9. A child’s school or child care enrollment documents,~~
- ~~10. Valid documentation establishing a filing for homestead or military tax exemption on property located in Iowa, or~~
- ~~11. Other valid documentation as deemed acceptable by the department to establish residency.~~

~~“Primary caregiver” means a person who is a resident of this state or a bordering state, including but not limited to a parent or legal guardian, at least 18 years of age, who has been designated by a patient’s neurologist or a person having custody of a patient, health care practitioner as being necessary to take responsibility for managing the well-being of the patient with respect to the medical use of cannabidiol pursuant to the provisions of 2014 Iowa Acts, Senate File 2360 a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabidiol pursuant to the provisions of 2017 Iowa Acts, House File 524.~~

~~“Primary care provider” means any health care practitioner involved in the diagnosis and treatment of a patient’s debilitating medical condition.~~

~~“State” means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.~~

~~“Untreatable pain” means any pain whose cause cannot be removed and, according to generally accepted medical practice, the full range of pain management modalities appropriate for the patient has been used without adequate result or with intolerable side effects.~~

~~“Written certification” means a document signed by a health care practitioner, with whom the patient has established a patient-provider relationship, which states that the patient has a debilitating medical condition and identifies that condition and provides any other relevant information.~~

ITEM 2. Amend rule 641—154.2(85GA,SF2360) as follows:

~~641—154.2(85GA,SF2360 87GA,HF524) Neurologist recommendation medical use of cannabidiol Health care practitioner certification—duties.~~

~~154.2(1) A neurologist who has examined and treated a patient suffering from intractable epilepsy may provide, but has no duty to provide, a written recommendation for the patient’s medical use of cannabidiol to treat or alleviate symptoms of intractable epilepsy if no other satisfactory treatment options exist for the patient and all of the following conditions apply Prior to a patient’s submission of an application for a medical cannabidiol registration card pursuant to this rule, a health care practitioner shall do all of the following:~~

~~a. The patient is a permanent resident of Iowa Determine, in the health care practitioner’s medical judgment, whether the patient whom the health care practitioner has examined and treated suffers from a~~

debilitating medical condition that qualifies for the use of medical cannabidiol as defined by this chapter, and if so determined, provide the patient with a written certification of that diagnosis by completing the health care practitioner section of the application form provided for this purpose on the department's Web site (www.idph.iowa.gov).

b. ~~A neurologist has treated the patient for intractable epilepsy for at least six months. For purposes of this treatment period, and notwithstanding 2014 Iowa Acts, Senate File 2360, section 3, subsection 4, treatment provided by a neurologist may include treatment by a neurologist licensed in another state and in good standing. Provide explanatory information to the patient as provided on the department's Web site (www.idph.iowa.gov) about the therapeutic use of medical cannabidiol and the possible risks, benefits, and side effects of the proposed treatment.~~

c. ~~The neurologist has tried and documented alternative treatment options that have not alleviated the patient's symptoms.~~

d. ~~The neurologist determines the risks of recommending the medical use of cannabidiol are reasonable in light of the potential benefit for the patient and has documented a discussion of the risks and benefits with the patient or the patient's parent or legal guardian.~~

e. ~~The neurologist maintains a patient treatment plan. The neurologist shall have the sole, exclusive authority to recommend the use and amount of cannabidiol, if any, in the treatment plan, and shall recommend in the treatment plan only the oral or transdermal administration of cannabidiol.~~

f. ~~The neurologist shall be available to provide follow-up care and treatment to the patient, including but not limited to patient examinations; however, this rule shall not restrict the authority of a neurologist to terminate the physician-patient relationship, provided that such termination is effectuated in accordance with rule 653—13.7(147,148,272C).~~

154.2(2) ~~The neurologist is required to use the written recommendation section of the application form provided for this purpose on the department's Web site (www.idph.state-ia-us). Subsequently, the health care practitioner shall do the following:~~

a. ~~Determine, on an annual basis, if the patient continues to suffer from a debilitating medical condition and, if so, issue the patient a new certification of that diagnosis.~~

b. ~~Otherwise comply with all requirements in this chapter and requests from the department for more information.~~

154.2(3) ~~The neurologist, or authorized persons in the neurologist's office or clinic, is required to complete the written recommendation section of the application form and send the application to the department's address as provided on the application form. A health care practitioner may provide, but has no duty to provide, a written certification pursuant to this rule.~~

154.2(4) ~~A neurologist who provides a written recommendation pursuant to this chapter shall maintain a record-keeping system for all patients for whom the neurologist has recommended the medical use of cannabidiol to treat or alleviate symptoms of intractable epilepsy.~~

154.2(5) ~~A neurologist who provides a written recommendation pursuant to this chapter is required to participate in any survey that will be conducted by the department on the implementation of the medical cannabidiol Act. Any such survey will adhere to the federal Health Insurance Portability and Accountability Act of 1996.~~

ITEM 3. Amend rule 641—154.3(85GA,SF2360) as follows:

641—154.3(85GA,SF2360 87GA,HF524) Cannabidiol Medical cannabidiol registration card—application and issuance to patient.

154.3(1) The Subject to subrule 154.3(7), the department may approve the issuance of a medical cannabidiol registration card by the department of transportation to a patient who:

a. Is at least 18 years of age.

b. Is a permanent resident of Iowa.

c. ~~Requests the patient's neurologist to submit~~ Submits a written certification to the department, provided to the patient pursuant to rule 641—154.2(85GA,SF2360 87GA,HF524), ~~a written recommendation and signed by the neurologist~~ patient's health care practitioner certifying that the

patient ~~may benefit from the medical use of cannabidiol~~ is suffering from a debilitating medical condition.

~~d. Is listed as the patient on the~~ Submits an application form submitted to the department, on a form created by the department in consultation with the department of transportation and available at the department's Web site (~~www.idph.state.ia.us~~ www.idph.iowa.gov), that contains all of the following:

(1) The patient's full legal name, Iowa residence address, mailing address (if different from the patient's residence address), telephone number, date of birth, and sex designation. The patient shall not provide as a mailing address an address for which a forwarding order is in place.

(2) A copy of the patient's valid photo identification. Acceptable photo identification includes:

1. A valid Iowa driver's license,

2. A valid Iowa nonoperator's identification card, or

3. An alternative form of valid photo identification. A patient who possesses or is eligible for an Iowa driver's license or an Iowa nonoperator's identification card shall present such document as valid photo identification. A patient who is ineligible to obtain an Iowa driver's license or an Iowa nonoperator's identification card may apply for an exemption and request submission of an alternative form of valid photo identification. A patient who applies for an exemption is subject to verification of the patient's identity through a process established by the department and the department of transportation to ensure the genuineness, regularity, and legality of the alternative form of valid photo identification.

(3) Full name, address, and telephone number of the patient's ~~neurologist~~ health care practitioner.

(4) Full legal name, residence address, date of birth, and telephone number of each primary caregiver of the patient, if any.

(5) An attestation as to the truthfulness and accuracy of the information provided by the patient on the application.

e. Has not been convicted of a disqualifying felony offense.

f. Submits the required fee, as described in subrule 154.12(1).

154.3(2) Upon the completion, verification, and approval of the patient's application and the receipt of the required fee, the department shall notify the department of transportation that the patient may be issued a medical cannabidiol registration card.

154.3(3) A medical cannabidiol registration card issued to a patient by the department of transportation shall contain all of the following:

a. The patient's full legal name, Iowa residence address, date of birth, and sex designation, as shown on the patient's Iowa driver's license, nonoperator's identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1)"d"(2)"3." If the patient's name, Iowa residence address, date of birth, or sex designation has changed since the issuance of the patient's Iowa driver's license, nonoperator's identification card, or alternative form of valid photo identification, the patient shall first update the patient's Iowa driver's license or nonoperator's identification card to reflect the current information, according to the procedures set forth in 761—subrule 605.11(2), 761—subrule 605.25(4), or rule 761—630.3(321), or shall update the alternative form of valid photo identification in accordance with the process of the issuing agency.

b. The date of issuance and the date of expiration, which shall be one year from the date of issuance.

c. A distinguishing registration number that is not the patient's social security number.

d. The patient's signature. The signature shall be without qualification and shall contain only the patient's usual signature without any other titles, characters, or symbols. The patient's signature certifies, under penalty of perjury and pursuant to the laws of the state of Iowa, that the statements made and information provided in the patient's application for a medical cannabidiol registration card are true and correct. The patient's signature shall be captured electronically.

e. A color photograph of the patient.

f. A statement that the medical cannabidiol registration card is not valid for identification purposes.

~~154.3(4) A patient in possession of a valid cannabidiol registration card issued pursuant to this rule shall not possess a quantity of cannabidiol oil in excess of 32 ounces~~ Every patient 18 years of age or older must obtain a valid medical cannabidiol registration card to use medical cannabidiol in Iowa.

~~154.3(5) An authorization to use medical cannabidiol or marijuana for medicinal purposes issued by another state, territory, or jurisdiction does not satisfy the requirements of 2014 Iowa Acts, Senate File 2360~~ 2017 Iowa Acts, House File 524, or these rules for the issuance of a medical cannabidiol registration card.

~~154.3(6) A valid medical cannabidiol registration card, or its equivalent, issued under the laws of another state that allow an out-of-state patient to possess or use medical cannabidiol in the jurisdiction of issuance shall have the same force and effect as a valid medical cannabidiol registration card issued pursuant to 2017 Iowa Acts, House File 524, except that an out-of-state patient in Iowa shall not obtain medical cannabidiol from a medical cannabidiol dispensary in Iowa.~~

~~154.3(7) The department shall not approve the issuance of a medical cannabidiol registration card for a patient who is enrolled in a federally approved clinical trial for the treatment of a debilitating medical condition with medical cannabidiol.~~

ITEM 4. Amend rule 641—154.4(85GA,SF2360) as follows:

~~641—154.4(85GA,SF2360~~ 87GA,HF524) Cannabidiol Medical cannabidiol registration card—application and issuance to primary caregiver.

~~154.4(1) For a patient in a primary caregiver's care, the department may approve the issuance of a medical cannabidiol registration card by the department of transportation to a primary caregiver who:~~

~~a. Is at least 18 years of age.~~
~~b. Requests the patient's neurologist to submit~~ Submits a written certification to the department, provided to the patient pursuant to rule 641—154.2(85GA,SF2360 87GA,HF524), ~~a written recommendation and signed by the neurologist~~ patient's health care practitioner certifying that the patient may benefit from the medical use of cannabidiol pursuant to 2014 Iowa Acts, Senate File 2360, section 4 is suffering from a debilitating medical condition.

~~c. Is listed as a primary caregiver on the application form submitted to the department,~~ Submits an application as a primary caregiver for each patient for whom the person is the primary caregiver. The primary caregiver application must be on a form created by the department in consultation with the department of transportation and available at the department's Web site (~~www.idph.state-ia.us~~ www.idph.iowa.gov) that contains all of the following:

(1) The primary caregiver's full legal name, residence address, mailing address (if different from the primary caregiver's residence address), telephone number, date of birth, and sex designation. The primary caregiver shall not provide as a mailing address an address for which a forwarding order is in place.

(2) The patient's full legal name, date of birth, and parent or legal guardian's name if the patient is under the age of 18.

(3) A copy of the primary caregiver's valid photo identification. Acceptable photo identification includes:

1. A valid Iowa driver's license,
2. A valid Iowa nonoperator's identification card,
3. If the primary caregiver is not a resident of the state of Iowa, a valid state-issued driver's license or nonoperator's identification card issued by a state other than Iowa, or
4. An alternative form of valid photo identification. A primary caregiver who possesses or is eligible for a driver's license or a nonoperator's identification card shall present such document as valid photo identification. A primary caregiver who is ineligible to obtain a driver's license or a nonoperator's identification card may apply for an exemption and request submission of an alternative form of valid photo identification. A primary caregiver who applies for an exemption is subject to verification of the primary caregiver's identity through a process established by the department and the department of transportation to ensure the genuineness, regularity, and legality of the alternative form of valid photo identification.

- (4) Full name, address, and telephone number of the patient's ~~neurologist~~ health care practitioner.
- (5) An attestation as to the truthfulness and accuracy of the information provided by the primary caregiver on the application.

d. Has not been convicted of a disqualifying felony offense.

e. Submits the required fee, as described in subrule 154.12(2).

154.4(2) Upon the completion, verification, and approval of the primary caregiver's application, the department shall notify the department of transportation that the primary caregiver may be issued a medical cannabidiol registration card.

154.4(3) A medical cannabidiol registration card issued to a primary caregiver by the department of transportation shall contain all of the following:

a. The primary caregiver's full legal name, current residence address, date of birth, and sex designation, as shown on the primary caregiver's state-issued driver's license, nonoperator's identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.4(1) "c"(3)"4." If the primary caregiver's name, current residence address, date of birth, or sex designation has changed since issuance of the primary caregiver's Iowa-issued driver's license, nonoperator's identification card, or other form of valid photo identification, the primary caregiver shall first update the primary caregiver's Iowa-issued driver's license or nonoperator's identification card according to the procedures set forth in 761—subrule 605.11(2), 761—subrule 605.25(4), or rule 761—630.3(321) or update the alternative form of valid photo identification in accordance with the process of the issuing agency.

b. The date of issuance and the date of expiration, which shall be one year from the date of issuance.

c. A distinguishing registration number that is not the primary caregiver's social security number.

d. The medical cannabidiol registration number for each patient in the primary caregiver's care. This number shall not be the primary caregiver's or patient's social security number. If the patient in the primary caregiver's care is under the age of 18, the full name of the patient's parent or legal guardian shall be printed on the primary caregiver's registration card in lieu of the patient's medical cannabidiol registration number.

~~e.~~ e. The primary caregiver's signature. The signature shall be without qualification and shall contain only the primary caregiver's usual signature without any other titles, characters, or symbols. The primary caregiver's signature certifies, under penalty of perjury and pursuant to the laws of the state of Iowa, that the statements made and information provided in the primary caregiver's application for a medical cannabidiol registration card are true and correct. The primary caregiver's signature shall be captured electronically.

~~e. f.~~ f. A color photograph of the primary caregiver.

~~f. g.~~ g. A statement that the medical cannabidiol registration card is not valid for identification purposes.

~~g. h.~~ h. A statement distinguishing the medical cannabidiol registration cardholder as a primary caregiver.

~~h.~~ The full name of each patient in the primary caregiver's care, as approved by the department in its notice to the department of transportation.

154.4(4) ~~A primary caregiver in possession of a valid cannabidiol registration card issued pursuant to this rule shall not possess a quantity of cannabidiol oil in excess of 32 ounces per patient~~ A patient who is 18 years of age or older must have an approved application and a distinguishing medical cannabidiol registration number that is not the patient's social security number prior to the issuance of a medical cannabidiol registration card to the patient's primary caregiver.

154.4(5) An authorization to use, or to act as a primary caregiver for a patient authorized to use, cannabidiol or marijuana for medicinal purposes issued by another state, territory, or jurisdiction does not satisfy the requirements of ~~2014 Iowa Acts, Senate File 2360~~ 2017 Iowa Acts, House File 524, or these rules for the issuance of a medical cannabidiol registration card.

ITEM 5. Amend rule 641—154.5(85GA,SF2360) as follows:

641—154.5(~~85GA,SF2360~~ 87GA,HF524) Tamperproofing. The department of transportation shall issue a medical cannabidiol registration card by a method or process which prevents as nearly as possible the alteration, reproduction, or superimposition of a photograph on the cannabidiol registration card without ready detection.

ITEM 6. Amend rule 641—154.6(85GA,SF2360) as follows:

641—154.6(~~85GA,SF2360~~ 87GA,HF524) Denial and cancellation. The department may deny an application for a medical cannabidiol registration card, or may cancel or direct the department of transportation to cancel a medical cannabidiol registration card, for any of the following reasons:

1. Information contained in the application is illegible, incomplete, falsified, misleading, deceptive, or untrue.

2. The department or the department of transportation is unable to verify the identity of the applicant from the photo identification or other documentation presented pursuant to paragraph 154.3(1)“d”(2)“3” or 154.4(1)“c”(3)“4.”

3. The applicant violates or fails to satisfy any of the provisions of ~~2014 Iowa Acts, Senate File 2360~~ 2017 Iowa Acts, House File 524, or these rules.

ITEM 7. Amend rule 641—154.7(85GA,SF2360) as follows:

641—154.7(~~85GA,SF2360~~ 87GA,HF524) Appeal. If the department denies an application for or cancels a medical cannabidiol registration card, the department shall inform the applicant or cardholder of the denial or cancellation and state the reasons for the denial or cancellation in writing. An applicant or cardholder may appeal the denial or cancellation of a medical cannabidiol registration card by submitting a request for appeal to the department by certified mail, return receipt requested, within 20 days of receipt of the notice of denial or cancellation. The department’s address is Iowa Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075. Upon receipt of a request for appeal, the department shall forward the request within five working days to the department of inspections and appeals. A contested case hearing shall be conducted in accordance with 641—Chapter 173.

ITEM 8. Amend rule 641—154.8(85GA,SF2360) as follows:

641—154.8(~~85GA,SF2360~~ 87GA,HF524) Duplicate card.

154.8(1) *Lost, stolen, or destroyed card.* To replace a medical cannabidiol registration card that is lost, stolen, or destroyed, a cardholder shall present to the department of transportation the cardholder’s valid state-issued driver’s license, nonoperator’s identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1)“d”(2)“3” or 154.4(1)“c”(3)“4.”

154.8(2) *Change in card information and voluntary replacement.*

a. To replace a medical cannabidiol registration card that is damaged, the cardholder shall surrender to the department of transportation the card to be replaced and present the cardholder’s valid state-issued driver’s license, nonoperator’s identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1)“d”(2)“3” or 154.4(1)“c”(3)“4.”

b. A patient or primary caregiver to whom a medical cannabidiol registration card is issued shall notify the department of a change in current residence address, name, or sex designation listed on the card, within ten calendar days of the change. To replace a medical cannabidiol registration card to change the current residence address, name, or sex designation listed on the card, the cardholder shall surrender to the department of transportation the card to be replaced and present a valid state-issued driver’s license, nonoperator’s identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1)“d”(2)“3” or 154.4(1)“c”(3)“4” that has been updated according to the procedures established by the state or agency of issuance to reflect the requested residence address, name, or sex designation.

c. To replace a medical cannabidiol registration card held by a primary caregiver to change ~~the patient or patients~~, add, or remove a patient's medical cannabidiol registration number or the name of a patient's parent or legal guardian listed on the primary caregiver's card, the primary caregiver shall submit a new application to the department pursuant to rule 641—154.4(85GA,SF2360 87GA,HF524). A medical cannabidiol registration card issued pursuant to this paragraph shall not be considered a duplicate card.

154.8(3) Expiration date. A duplicate medical cannabidiol registration card shall have the same expiration date as the medical cannabidiol registration card being replaced, changed, or amended.

ITEM 9. Amend rule 641—154.9(85GA,SF2360) as follows:

641—154.9(85GA,SF2360 87GA,HF524) Renewal. A medical cannabidiol registration card shall be valid for one year from the date of issuance unless canceled pursuant to rule 641—154.6(85GA,SF2360 87GA,HF524).

154.9(1) A cardholder seeking renewal of a medical cannabidiol registration card shall submit a renewal application and fee to the department at least 60 days prior to the date of expiration.

a. A patient applying for renewal of a medical cannabidiol registration card shall submit a renewal application and fee to the department on a form approved by the department.

b. A primary caregiver applying for a renewal of a medical cannabidiol registration card shall submit a renewal application and fee to the department on a form approved by the department.

154.9(2) A cardholder who fails to renew the medical cannabidiol registration card may not lawfully possess medical cannabidiol pursuant to this chapter.

ITEM 10. Amend rule 641—154.10(85GA,SF2360) as follows:

641—154.10(85GA,SF2360 87GA,HF524) Confidentiality. The department shall maintain a confidential file of the names of each patient to or for whom the department approves the issuance of a medical cannabidiol registration card and the name of each primary caregiver to whom the department issues a medical cannabidiol registration card under 2014 Iowa Acts, Senate File 2360, section 5 2017 Iowa Acts, House File 524, section 7.

154.10(1) Personally identifiable information of patients and primary caregivers shall be maintained as confidential and is not accessible to the public. The department and the department of transportation shall release aggregate and statistical information regarding the medical cannabidiol act registration card program in a manner which prevents the identification of any patient or primary caregiver.

154.10(2) Personally identifiable information of patients and primary caregivers may be disclosed under the following limited circumstances:

a. To authorized employees or agents of the department and the department of transportation as necessary to perform the duties of the department and the department of transportation pursuant to ~~this chapter~~ 2017 Iowa Acts, House File 524.

b. To authorized employees of state or local law enforcement agencies located in Iowa, solely for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to ~~this chapter~~ 2017 Iowa Acts, House File 524.

c. To a patient, primary caregiver, or ~~neurologist~~ health care practitioner, upon written authorization of the patient or primary caregiver.

ITEM 11. Amend rule 641—154.11(85GA,SF2360) as follows:

641—154.11(85GA,SF2360 87GA,HF524) Agreement with department of transportation. The department may enter into a chapter 28E agreement with the department of transportation to facilitate the issuance of medical cannabidiol registration cards. The agreement may include provisions which govern the issuance, denial, and cancellation of medical cannabidiol registration cards, ~~and the sharing of information between the department and the department of transportation,~~ and reimbursement for costs incurred by the department of transportation for issuing the card.

ITEM 12. Adopt the following new rule 641—154.12(87GA, HF524) as follows:

641—154.12(87GA, HF524) Fees. All fees are nonrefundable.

154.12(1) *Patient medical cannabidiol registration card fee.*

a. Each application fee is \$100 unless the patient qualifies for a reduced fee as described in paragraph 154.12(1) “*b.*”

b. Each reduced application fee is \$25 if the patient attests to receiving social security disability benefits, supplemental security income payments, or is enrolled in the medical assistance program as defined in rule 641—154.1(87GA, HF524).

c. Each renewal fee is the same as the initial card application fee.

154.12(2) *Primary caregiver medical cannabidiol registration card fee.*

a. Each application fee is \$25.

b. Each renewal fee is \$25.

ITEM 13. Adopt the following new rule 641—154.13(87GA, HF524) as follows:

641—154.13(87GA, HF524) Use of medical cannabidiol—smoking prohibited. A patient shall not consume medical cannabidiol possessed or used pursuant to 2017 Iowa Acts, House File 524, by smoking medical cannabidiol.

ITEM 14. Adopt the following new rule 641—154.14(87GA, HF524) as follows:

641—154.14(87GA, HF524) Form and quantity of medical cannabidiol.

154.14(1) *Patient.* A patient in possession of a valid medical cannabidiol registration card issued pursuant to this chapter shall not possess a quantity of medical cannabidiol in excess of 32 ounces.

154.14(2) *Primary caregiver.* A primary caregiver in possession of a valid medical cannabidiol registration card issued pursuant to this chapter shall not possess a quantity of medical cannabidiol in excess of 32 ounces for each patient for whom the person is registered as a primary caregiver.

154.14(3) *Form and quantity.* The form and quantity of medical cannabidiol authorized in this rule may be modified pursuant to recommendations by the medical cannabidiol board established pursuant to 2017 Iowa Acts, House File 524, and subsequent approval of the recommendations by the board of medicine.

ITEM 15. Amend **641—Chapter 154**, implementation sentence, as follows:

These rules are intended to implement ~~2014 Iowa Acts, Senate File 2360~~ 2017 Iowa Acts, House File 524.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/17.